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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

NATHANIEL CADY,

Defendant and Appellant.

A155741

(Mendocino County  
Super. Ct. No. 18-954511)

Nathaniel Christian Cady appeals following his no contest pleas to first-degree burglary, vandalism and theft or unauthorized use of an automobile. His court-appointed counsel has filed a brief seeking our independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436 to determine whether there are any arguable issues on appeal. We conclude there are no issues requiring further review and affirm.

**BACKGROUND**

On the morning of August 27, 2018, Cady stole a car from the driveway of a home in Ukiah. That evening he tried to visit his former girlfriend and the mother of his child. When the girl's father told Cady to leave the home without seeing her, he used the stolen car to ram the father's car and drove away. He later abandoned the stolen car because it was inoperable due to the collision.

The following day, Cady broke into a home in Ukiah while the owners were at home asleep. He took a purse containing credit cards and the key to a family car. He

stole the car. He was apprehended later that day when officers tracked the car to Willits and confronted Cady in the parking lot of a fast food restaurant.

He was charged in a three-count complaint with special allegations. Count one alleged first-degree burglary in violation of Penal Code section 459 and as described in section 460, subdivision (a), classified as a serious and violent felony due to the presence of persons other than an accomplice.<sup>1</sup> (§§ 667.5, subd. (c)(21), 1192.7, subd. (c).) Count two alleged felony vandalism causing more than \$400 in damage in violation of section 594, subdivision (b)(1). Count three alleged theft or unauthorized use of a vehicle in violation of Vehicle Code section 10851, subdivision (a), enhanced as provided in section 12022.1 because Cady was on bail at the time of the offense.

Cady entered no contest pleas to the charges as alleged in the complaint. He was specifically told his offenses were probation ineligible and he could be sent to prison for as long as nine years and four months. He was given mid-term sentences for each of the offenses to run consecutively: 4 years for the first-degree burglary; 8 months for the felony vandalism; and 8 months for the auto theft. An enhancement was imposed and stayed because he committed the auto theft while he was on bail.

Cady appealed.

## DISCUSSION

Cady's counsel has represented that she advised Cady of her intention to file a *Wende* brief in this case and of Cady's right to submit supplemental written argument on his own behalf. He has not done so. Cady has also been advised of his right to request that counsel be relieved.

Cady properly appeals only those issues arising after his plea. Absent a certificate of probable cause, an appeal by a defendant from a judgment entered on a guilty plea may only raise issues falling within two "noncertificate" categories, namely, "issues

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<sup>1</sup> Unless otherwise stated all statutory references are to the Penal Code.

relating to the validity of a search and seizure . . . and issues regarding proceedings held subsequent to the plea for the purpose of determining the degree of the crime and the penalty to be imposed. [Citations.]” (*People v. Buttram* (2003) 30 Cal.4th 773, 776, 780.)

The sentence imposed was lawful. Fines, fees and pretrial credits were proper. Our full review of the record reveals no issue that requires further briefing.

#### **DISPOSITION**

The judgment is affirmed.

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Siggins. P.J.

WE CONCUR:

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Fujisaki, J.

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Petrou, J.

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